

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEXTER E. DALE,

Plaintiff,

v.

L. FERNANDEZ and L. LOUGH,

Defendants.

No. C 05-1842 JSW (PR)

**ORDER LIFTING STAY FOR  
MEDIATION PROCEEDINGS  
AND SETTING MOTION  
SCHEDULE**

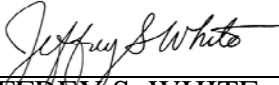
Plaintiff, a prisoner of the State of California, currently incarcerated at the Correctional Training Facility (“CTF”) in Soledad, California, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983, complaining of deliberate indifference to his serious medical needs by Defendants, both nurses at CTF. On February 27, 2007, summary judgment was denied as to Defendant Fernandez, but as of that time, Defendant Lough had not been served. Thereafter, Defendant Lough was served by the United States Marshal in Tulsa, Oklahoma and a motion to quash the subpoena or dismiss the complaint was denied by the Court. The Court then referred the case to the Pro Se Prisoner Mediation Program and a schedule for Defendant Lough’s dispositive motions in this action was stayed until mediation proceedings were completed.

On November 5, 2008, Magistrate Judge Vadas filed a report in this case, notifying the Court that the parties were unable to reach an agreement during the mediation. Therefore, the stay of this matter for mediation proceedings is now lifted. The Court further orders Defendant Lough to file a motion for summary judgment or other dispositive motion, or a notice to the Court that they are of the opinion that this matter cannot be resolved by dispositive motion no later than **thirty (30) days** from the date of this order. Given that the

1 Court has already denied summary judgment as to Defendant Fernandez, no extensions of time  
2 to file a dispositive motion will be granted, except upon a showing of exceptional  
3 circumstances.

4 IT IS SO ORDERED.

5 DATED: January 6, 2009

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7 JEFFREY S. WHITE  
8 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DALE,

Plaintiff,

v.

FERNANDEZ et al,

Defendant.

Case Number: CV05-01842 JSW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 6, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dexter E. Dale  
D-14750  
P.O. Box 689  
Soledad, CA 93960-0689

Dated: January 6, 2009



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk